

**Meeting of the Central Valley Flood Protection Board  
December 3, 2010**

**Staff Report – Encroachment Permit**

**Molly Emsile  
Stairs, Sacramento County**

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**1.0 – ITEM**

Consider approval of Permit No. 18623 (Attachment B)

**2.0 – APPLICANT**

Molly Emsile

**3.0 – LOCATION**

The project is located on the landside slope of the left (south) bank of the American River.

(American River, Sacramento County, see Attachment A)

**4.0 – DESCRIPTION**

Applicant proposes to construct a 36-inch-wide wood and concrete block stairway on the landside slope of the left (south) bank of the American River.

**5.0 – PROJECT ANALYSIS**

The applicant is proposing to construct a wood and concrete block stairway flush to and within the landside slope of the American River that is conforming to the Board's and American River Flood Control District's standards.

### **5.1 – Hydraulic Analysis**

A hydraulic analysis is not needed because the stairs are being placed on the landside slope of the levee.

### **5.2 – Geotechnical Analysis**

A geotechnical analysis is not needed because the stairs will be placed no deeper than 1-foot into the landside slope of the levee.

## **6.0 – AGENCY COMMENTS AND ENDORSEMENTS**

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- The U. S Army Corps of Engineers 208.10 comment letter has not yet been received for this application. Upon receipt of a favorable letter and review by Board staff it will be incorporated into the permit as Exhibit A.
- The American River Flood Control District has endorsed this application with conditions and they will be incorporated into the permit as Exhibit B.

## **7.0 – PROPOSED CEQA FINDINGS**

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of small structures.

## **8.0 – SECTION 8610.5 CONSIDERATIONS**

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

The proposed stairs are on the landside levee slope, they will have no effects on the State plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

There should be no effects to this project as this reach of levee has been reconditioned recently by the U. S. Army Corps of Engineers.

## **9.0 – STAFF RECOMMENDATION**

Staff recommends that the Board adopt the CEQA findings, approve the permit conditioned upon receipt of a favorable U.S. Army Corps of Engineers comment letter, and direct staff to file a Notice of Exemption with the State Clearinghouse.

## **10.0 – LIST OF ATTACHMENTS**

- A. Location Maps and Photos
- B. Draft Permit
- C. Design Drawings

Report Completed by:	Steve Dawson
Environmental Review:	James Herota
Document Review:	Gary Lemon P.E., Len Marino P.E.

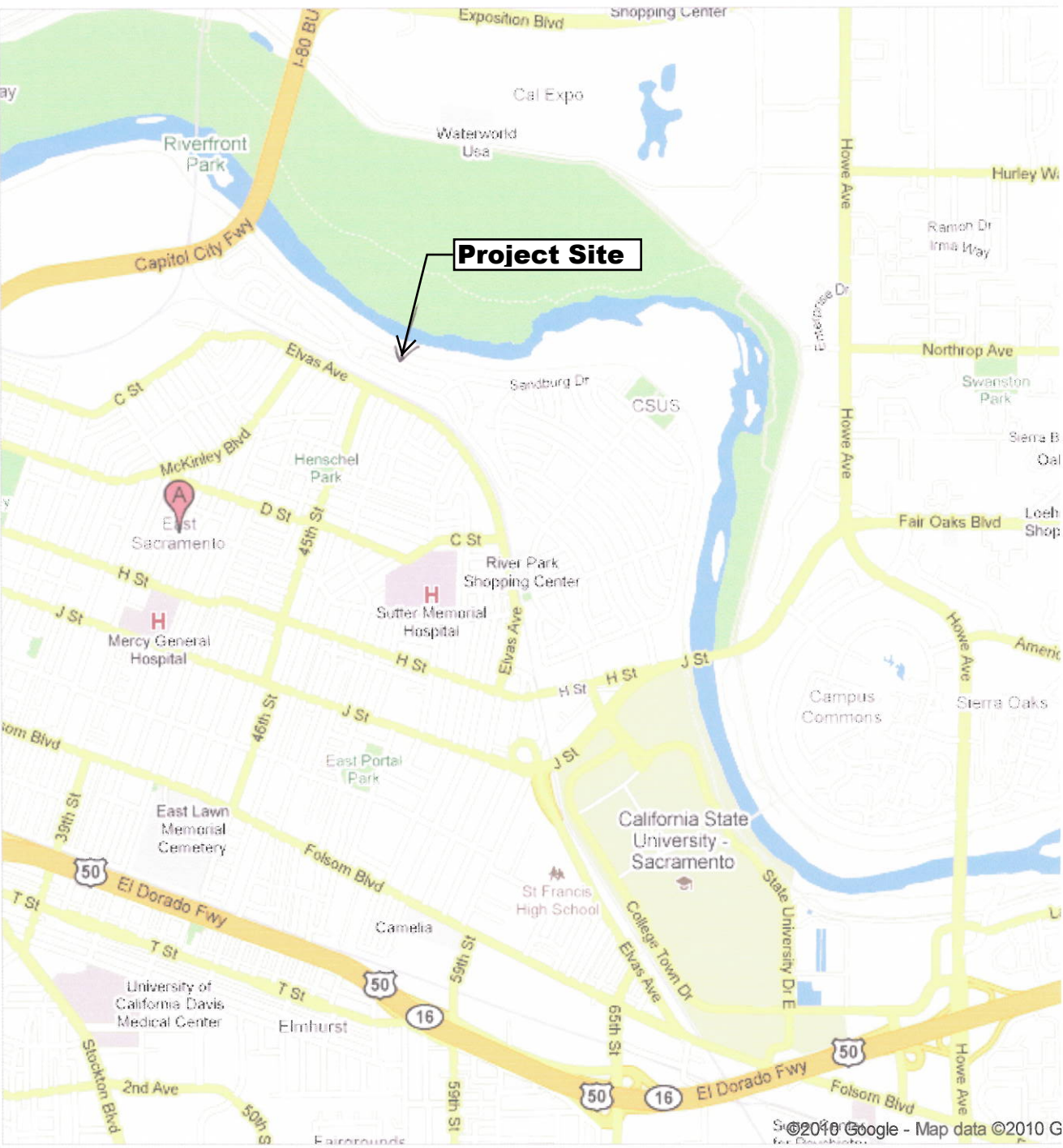
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5021 Teichert Ave. Sac. 95819



House side of levee





# Sample of proposed stairs





**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**THE CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18623 BD**

**This Permit is issued to:**

Molly Emslie  
5021 Teichert Avenue  
Sacramento, California 95819

To construct a 36-inch-wide wood and concrete block stairway on the landside slope of the left (south) bank levee of the American River. The project is located in Sacramento at 5021 Teichert Avenue (Section 4, T8N, R5E, MDB&M, American River Flood Control District, American River, Sacramento County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18623 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**FOURTEEN:** The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, American River Flood Control District or any other agency responsible for maintenance.

**FIFTEEN:** The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

**SIXTEEN:** The Central Valley Flood Protection Board, Department of Water Resources, and American River Flood Control District shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

**SEVENTEEN:** The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

**EIGHTEEN:** The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

**NINETEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood

Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion

TWENTY: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

TWENTY-ONE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-TWO: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-THREE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-FOUR: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

TWENTY-FIVE: Backfill material for excavations shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

TWENTY-SIX: The levee section shall be restored to at least the condition that existed prior to commencement of work.

TWENTY-SEVEN: Any additional encroachment(s) in the floodway, on the levee section or within 10 feet, require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

TWENTY-EIGHT: All debris generated by this project shall be disposed of outside the floodway and off the levee section.

TWENTY-NINE: The permittee shall comply with all conditions set forth in the letter from the



Department of the Army dated December XX, 2010, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY: The permittee shall comply with all conditions set forth in the letter from the American River Flood Control District dated June 11, 2010, which is attached to this permit as Exhibit B and is incorporated by reference.



## Permit Conditions

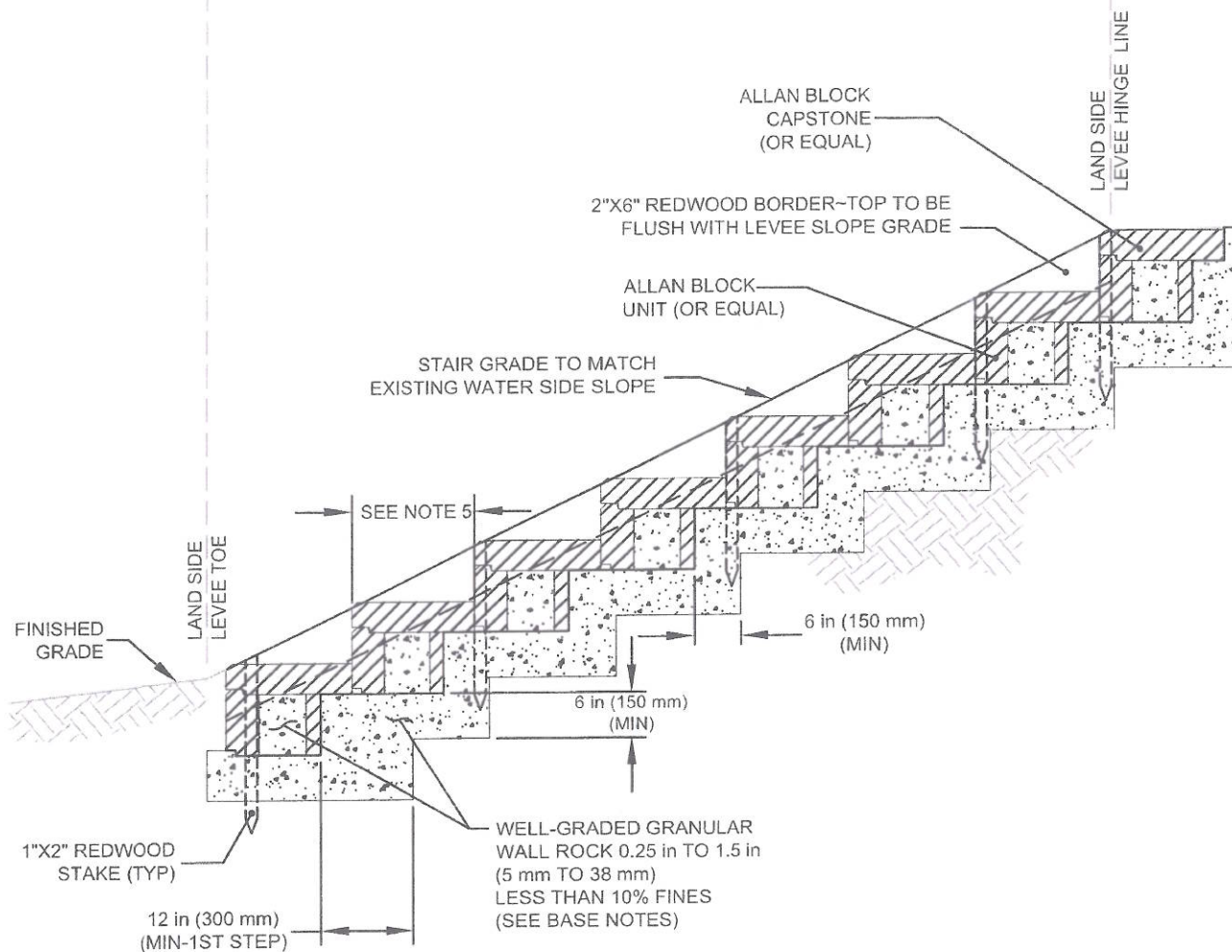
Permit Application No. **18623**  
Applicant: Molly Emslie  
Description: Install wooden and concrete stairs on the landside levee slope behind 8021 Teichert Avenue—left bank of the American River

### CONDITIONS:

1. Maintenance of all encroaching facilities under this permit shall remain the responsibility of permittee.
2. Permittee may be required, at permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if encroaching facilities are damaged by any cause.
3. Permittee shall notify the District 48 hours in advance of the start of construction.
4. Stairs shall be constructed so the surface is approximately flush with the adjacent levee slope. The stairs may not include handrails or other protruding structures (i.e. lighting).
5. This permit is approved for a period of five years from the date approved by the Central Valley Flood Protection Board or until transfer of the property to a new owner, whichever occurs first. Upon expiration for either reason cited above, a new permit application must be submitted.

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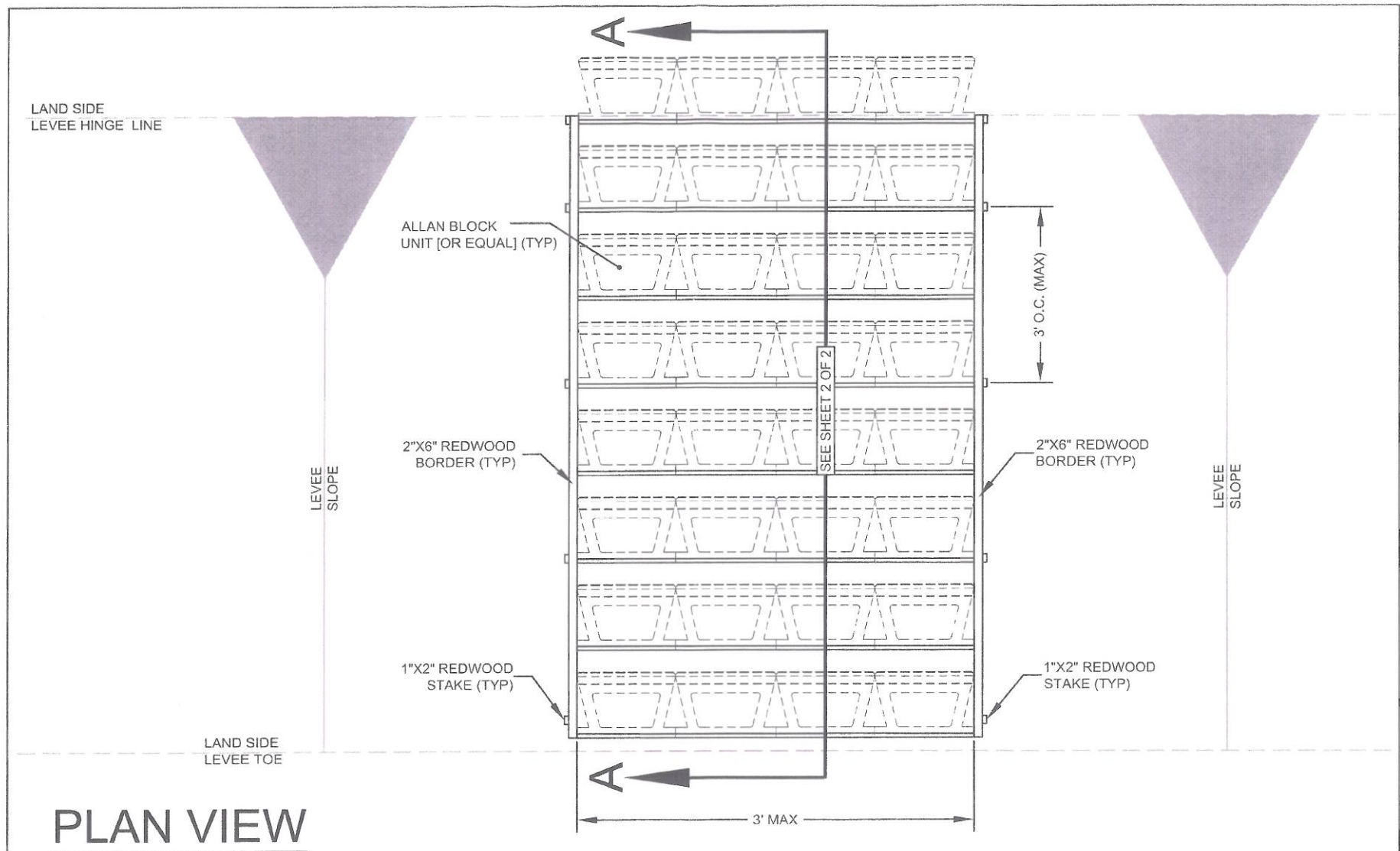



## NOTES:

1. THE BASE MATERIAL SHALL BE THE SAME AS THE WALL ROCK MATERIAL OR A LOW PERMEABLE GRANULAR MATERIAL.
2. BASE MATERIAL SHALL BE PLACED AS SHOWN ON THE CONSTRUCTION DRAWING. TOP OF BASE SHALL BE LOCATED TO ALLOW BOTTOM WALL UNITS TO BE BURIED TO PROPER DEPTHS AS PER SPECIFICATIONS.
3. BASE MATERIAL SHALL BE INSTALLED ON UNDISTURBED NATIVE SOILS OR SUITABLE REPLACEMENT FILLS COMPACTED TO A MINIMUM OF 95% STANDARD PROCTOR (ASTM D698).
4. BASE SHALL BE COMPACTED AT 95% STANDARD PROCTOR (ASTM D698) TO PROVIDE A LEVEL HARD SURFACE ON WHICH TO PLACE THE FIRST COURSE OF BLOCKS. THE BASE SHALL BE CONSTRUCTED TO ENSURE PROPER EMBEDMENT AND THE FINAL ELEVATION SHOWN ON THE PLANS. WELL-GRADED SAND CAN BE USED TO SMOOTH THE TOP 1/2 IN. (13 MM) ON THE BASE MATERIAL.
5. MINIMUM TREAD WIDTH IS 1'-4". MAXIMUM TREAD WIDTH IS A FUNCTION OF THE EXISTING LAND SIDE LEVEE SLOPE. UNIT PAVERS TO BE USED ON BACK SIDE OF CAPSTONE TREAD FOR WIDER TREAD WIDTHS.
6. THE FINISHED STAIR CONSTRUCTION SHALL NOT INCLUDE ANY ELEMENTS THAT PROJECT ABOVE THE EXISTING GRADE OF THE LEVEE.
7. AN ENCROACHMENT PERMIT, INCLUDING CONCURRENCE FROM THE U.S. ARMY CORPS OF ENGINEERS (SACRAMENTO DISTRICT), MUST BE OBTAINED FROM THE CENTRAL VALLEY FLOOD PROTECTION BOARD PRIOR TO CONSTRUCTION. SEE [WWW.CVFPB.CA.GOV](http://WWW.CVFPB.CA.GOV) FOR INFORMATION.

## SECTION A-A

Designed By: ARFCD	Title: AMERICAN RIVER FLOOD CONTROL DISTRICT STANDARD STAIR DETAIL, SECTION A-A	Date: OCTOBER 2009
Checked By: ARFCD	 <p>The purpose of this drawing is for preliminary design only. This drawing should not be used for final design or construction without the certification of a professional engineer registered in the state of California (if required). The accuracy and use of details contained in this document are the sole responsibility of the user. The user must verify each detail for accuracy as they pertain to their particular project.</p>	Project No: NA
Scale: NO SCALE		Drawing No: 2 OF 2



Designed By: ARFCD	Title: AMERICAN RIVER FLOOD CONTROL DISTRICT STANDARD STAIR DETAIL, PLAN VIEW	Date: OCTOBER 2009
Checked By: ARFCD	 <p>The purpose of this drawing is for preliminary design only. This drawing should not be used for final design or construction without the certification of a professional engineer registered in the state of California (if required). The accuracy and use of details contained in this document are the sole responsibility of the user. The user must verify each detail for accuracy as they pertain to their particular project.</p>	Project No: NA
Scale: NO SCALE		Drawing No: 1 OF 2